IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24107 of 2004

Between:

Smt. P. Nagaratnamma W/o Venkatraju
R/o Yadavapalem of Duggirala Village& Mandal, Guntur

District

... PETITIONER

AND

1 The Panchayat Secrtary, Duggirala Gram Panchayat Duggirala

Village & Mandal, Guntur District
2 The Mandal Revenue Officer, Duggirala Mandal, Guntur District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandmaus declaring the action of the 1st respondent in issuing the impugned proceedings dt 13-12-2004 without placing the matter before the general body of the gram Panchayat is arbitrary, illegal, violation of provisions of the act, violation of arts, 14 and 21 of the constitution of India and consequently direct the respondents to conduct an enquiry as per earlier orders in wp no. 16204/1988 on my representation already submitted to them in pursuance of orders in wp by setting aside the impugned orders dt 13-12-2004 of the 1st respondent.

Counsel for the Petitioner: MR.SRINIVASULU KURRA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the first respondent in issuing the impugned proceedings dated 13-12-2004 without placing the matter before the General Body of the Gram Panchayat, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioner claims that she is the absolute owner and possessor of the land in an extent of Ac.0.02 cents in Sy.No.339/A2 situated in Yadavapalem of Duggirala Gram Panchayat, Guntur District. It is the case of the petitioner that she constructed a hut in the said land and living there. It is stated that one Kotaiah submitted an application to the Revenue authorities to assign the land in Sy.No.339/A2 in his favour by stating that he had been residing in the said land. It is alleged that, without conducting any enquiry, the Revenue authorities granted patta in favour of the said Kotaiah in Sy.No.339/A2. When some villagers made representation to the authorities stating that the said Kotaiah had never been in possession of the said land, in which patta was granted to him, and requested to conduct an enquiry. Basing on the said representation, the authorities conducted an enquiry and found that Kotaiah has played fraud in obtaining patta dated 25-10-1985 and subsequently it was cancelled. While things stood thus, the petitioner requested the authorities to assign the said land, which was in her occupation and possession, as per, G.O.Ms.No.4975 Revenue (L) Department dated 10-12-1980. But, instead of assigning the said land in petitioner's favour, the authorities sought to vacate the petitioner from the said land on the ground that the patta granted in favour of the said Kotaiah was cancelled. Aggrieved by the same, petitioner filed W.P.No.16204 of 1988, which was disposed of by this court with a direction to the petitioner to make an application to the Mandal Revenue Officer within a period of two months thereof

and directed the authorities to dispose of the said application within a period of two months, duly taking into consideration G.O.Ms.No.4975 Revenue (L) Department dated 10-12-1980.

3. It is stated that accordingly, the petitioner submitted a representation to the Mandal Revenue Officer requesting him to assign the said land in Sy.No.339/A2 in an extent of Ac.0.02 cents in her favour and grant patta. It is alleged that the said representation filed by the petitioner is still pending before the M.R.O., and no orders whatsoever had been passed. But, impugned orders dated 13-12-2004 were passed, without considering the representation of the petitioner.

4. If that be the case, I deem it appropriate to dispose of the writ petition with a direction to the Mandal Revenue Officer to consider the said representation of the petitioners and pass appropriate orders thereon, expeditiously. Till such orders are passed, the impugned order stands suspended.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 23, 2004

MRR / TVK

To:

1 The Panchayat Secretary, Duggirala Gram Panchayat Duggirala

Village & Mandal, Guntur District.

2 The Mandal Revenue Officer, Duggirala Mandal, Guntur District.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.